IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

Criminal Application No. 1306 of 2006.

The State of Maharashtra. .. applicant.
vs
Bapu Nana Bhise. ...Respondent

Smt V.R.Bhonsale Addl. Public Prosecutor for applicant.

CORAM:V.G.PALSHIKAR,Acg.C.J. ,&
NISHITA MHATRE, J.
DATE: AUGUST 23, 2006.

P.C.:

By this application leave to appeal is sought against an order passed by the learned Sessions Jude, Satara in Criminal Appeal No.7 of 2005 whereby the accused was acquitted of the offence under section 307 imposed by the Asst.Sessions Judge, Satara.

This is a case where the order of conviction was set aside on re appreciation of evidence by the appellate court taking a different view and reappreciation of evidence on record. Leave is sought against this order. The position of law in this regard is settled. According to the Supreme Court where two views or interpretation of given evidence are possible and one in favour of the accused is accepted either by the trial court or by the appellate court, High Court

should be reluctant to interfere with the order of acquittal in such circumstances. Therefore we see no reason to grant the application. Hence the application is rejected.